

1
2 BILL NO. S-86-11-14 (as amended)

3 SPECIAL ORDINANCE NO. S-205-86
4

5 AN ORDINANCE of the Common Council
6 of the City of Fort Wayne, Indiana
7 amending Chapter 14.7, entitled
8 "Housing and Building Standards,
9 by adding an article entitled
10 "Smoke Detectors", which requires
11 the installation of smoke detectors
12 in all family living units within
13 the corporate limits of the city.

14 WHEREAS, six thousand Americans die by fire annually
15 and three hundred thousand are severely injured by fire annually,
16 of which fifty thousand are unable to return to a normal way of
17 life; and

18 WHEREAS, the citizens of Fort Wayne, Indiana
19 contributed 15 deaths as a part of these statistics in 1986, of
20 whom 77% were in homes with no smoke detector or it was
21 inoperable, and 65% of these victims were asleep at the time the
22 fire broke out; and

23 WHEREAS, the National Commission on Fire Prevention
24 and Control have concluded that the larger percentage of these
25 deaths and injuries could have been avoided; and

26 WHEREAS, fire chiefs, firefighters and fire experts,
27 nationwide, endorse this conclusion; and

28 WHEREAS, the Common Council of the City of Fort Wayne,
29 Indiana is committed to preserving the welfare of all its
30 citizens, as tenants and homeowners; and
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2 WHEREAS, the Common Council of the City of Fort Wayne,
3 Indiana recognizes that the protection of the public's health,
4 safety and welfare from fires may be improved by the installation
5 and maintenance of smoke detectors.

6
7 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
8 THE CITY OF FORT WAYNE, INDIANA THAT CHAPTER 14.7 OF THE MUNICIPAL
9 CODE OF THE CITY OF FORT WAYNE, INDIANA ENTITLED "HOUSING AND
10 BUILDING STANDARDS" IS AMENDED BY ADDING THE FOLLOWING ARTICLE:

11
12 **SMOKE DETECTORS**

13 SECTION 1. DEFINITIONS: For purposes of this
14 chapter, the following definitions shall apply.

15 a. "Alarm Signal." An audible signal indicating the detection of
16 visible or invisible, particles or products of combustion other
17 than heat.

18 b. "Authority having jurisdiction." The Fort Wayne Fire
19 Department and the Safe Housing and Building Standards Department
20 of the City of Fort Wayne which have enforcement responsibility
21 for this article.

22 c. "Family Living Unit." That structure, area, room, or
23 combination of rooms in which a family (or individual) lives.
24 This is meant to cover living area only and not common usage areas
25 in multi-family buildings such as corridors, lobbies, basements,
26 etc.

27 d. "Labeled." Equipment or materials to which has been attached a
28 label, symbol or other identifying mark of an organization
29 acceptable to the "authority having jurisdiction".

30 e. "Listed" Equipment or materials included in a list published
31 by an organization acceptable to the "authority having
32 jurisdiction" and which product meets appropriate standards or has
been tested and found suitable for use in a specified manner.

33 f. "NFPA74." Standard 74 of the National Fire Protection
Association, which is located in Batterymarch Park, Quincy, MD
02269.

34 g. "Rental Agent." Any person, partnership or corporation, who
35 rents, subleases, lets or otherwise grants for a consideration the
36 right to occupy premises not owned by the occupant. This term
37 shall not be construed to mean a real estate agent who is employed
38 for the sole purpose of selling residential units.

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3 h. "Sleeping areas." The area or areas of the family living unit
4 in which the bedrooms (or sleeping rooms) separated by other use
5 areas, such as kitchens or living rooms, (but not bathrooms),
6 shall be considered sleeping areas.

7 i. "Shall." Indicates a mandatory requirement.

8 j. "Smoke Detector" shall be defined as a device which detects
9 visible or invisible particles or products of combustion other
10 than heat, as approved by Underwriters Laboratories, Inc. or
11 Factory Mutual. The smoke detector shall be equipped with a test
12 button, and it shall produce an alarm signal upon detection of any
13 visible or invisible particles or products of combustion. It may
14 be either battery powered with a minimum 9 volt or it may be
15 powered by a 110 volt alternating current.

16 SECTION 2. BASIC REQUIREMENTS.

17 All family living units within the corporate limits of the
18 City of Fort Wayne, Indiana shall be equipped with a minimum of
19 one functional, properly located, labeled and listed, smoke
20 detector, or its equivalent or better, as described in the
21 NFPA74.

22 SECTION 3. INSTALLATION; LOCATION.

23 a. A minimum of one smoke detector, or its equivalent or better
24 as described in the NFPA74, shall be installed in each family
25 living unit within the corporate limits of the City of Fort Wayne,
26 Indiana.

27 b. All smoke detectors must be installed according to the
28 manufacturer's instructions and subject to the approval of the
29 "authority having jurisdiction".

30 c. The smoke detector shall be installed to protect the sleeping
31 areas and shall be located outside of the bedrooms but in the
32 immediate vicinity of the sleeping areas, within 15 feet of all
rooms used for sleeping areas.

d. The smoke detector shall be installed on or near the ceiling,
not less than six (6) inches from any wall, or on a wall, not less
than six (6) inches nor more than twelve (12) inches from the
ceiling, and its installation shall be subject to approval by the
"authority having jurisdiction". No detector shall be recessed
into the ceiling.

1 e. All smoke detectors shall be accessible for servicing and
2 testing.

3 f. If a smoke detector is A.C. powered, it must be directly
4 attached to a junction box not controlled by any switch other than
5 the main power supply. The installation of A.C. powered detectors
6 shall conform to all electrical standards adopted by the Allen
7 County Building Department. A smoke detector required under this
chapter shall be installed according to the directions and
specifications of the manufacturer, but if in conflict with any
county electrical standard, the county electrical standard shall
take precedence.

8 SECTION 4. MAINTENANCE.

9 It shall be unlawful for any person to tamper with or remove
10 any smoke detector, except when it is necessary for maintenance
11 or inspection purposes. Any smoke detector removed for repair
12 or replacement shall be re-installed or replaced so that it is
13 operable and in place during normal sleeping hours.

14 a. *Rented residential dwelling units.* Each smoke detector may be
15 tested in accordance with manufacturer's recommendations, but
16 shall be tested at six (6) month intervals in every individual
17 residential dwelling unit, and maintained as necessary, to ensure
it is in operable condition. At any change of tenancy, smoke
detectors shall be tested and be in operable condition before the
unit is re-occupied.

18 b. *Owner-occupied dwelling units.* Each smoke detector may be
19 tested in accordance with manufacturer's recommendations, but
20 shall be tested at six (6) month intervals, and maintained as
necessary, to ensure it is in operable condition.

21 SECTION 5. DUTY OF PROPERTY OWNER, MANAGER, OR RENTAL 22 AGENT.

23 Every owner, or the manager or rental agent of such owner of
24 any such residential dwelling unit shall be responsible for the
25 installation of all smoke detectors. It is the responsibility
26 of the tenant to maintain all such smoke detectors provided by
27 the owner in good working order until said tenant vacates the
28 premises unless said smoke detector requires AC power supply,
29 then the responsibility for maintaining such smoke detector
30 shall be the responsibility of the owner, manager or rental agent
31 of the property.

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2 SECTION 6. ENFORCEMENT OF PROVISIONS.

3 The City Fire Department and the Safe Housing and Building
4 Department shall be charged with the duty of enforcing the
5 terms of this article of this chapter.
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7 SECTION 7. VIOLATION/PENALTY.

- 8 a. Any person, firm or corporation violating any provisions of
9 this article of this chapter, or who shall fail to comply with an
10 order as affirmed or modified by the authority having
11 jurisdiction shall be subject to a fine of \$50.00.
12
13 b. Each day such violation is permitted to continue may be deemed
14 to constitute a separate offense.
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16 c. The violation and penalty as herein described in this article
17 shall not be subject to any other fine or penalty within this
18 chapter.
19

20 SECTION 8. Severability.

21 The provisions of this article of this chapter are severable,
22 and if any sentence, section, or other part of this article
23 shall be found to be invalid, such invalidity shall not affect
24 the remaining provisions and the remaining provisions shall
25 continue to be in full force and effect.
26

27 SECTION 9. That this ordinance shall be in full force
28 and effect January 1, 1987 and from and after its passage and
29 legal publication, any and all necessary approval by the mayor.
30

31 _____
32 COUNCILMEMBER

33 APPROVED AS TO
34 FORM AND LEGALITY

35 _____
36 Stanley Levine, Attorney for Common Council

Read the first time in full and on motion by E. S. Rath, seconded by B. W. H., and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.

DATE: 11-25-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by E. S. Rath, seconded by B. W. H., and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	<u>✓</u>	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 12-9-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~) (~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (~~RESOLUTION~~) NO. 20586 on the 9th day of December, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1986, at the hour of 1:00 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of December, 1986, at the hour of 10:00 o'clock A. M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

1
2 BILL NO. S=86-11-14 (as amended)

3 SPECIAL ORDINANCE NO. 1205-86
4

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6 of the City of Fort Wayne, Indiana
7 amending Chapter 14.7, entitled
8 "Housing and Building Standards,
9 by adding an article entitled
10 "Smoke Detectors", which requires
11 the installation of smoke detectors
12 in all family living units within
13 the corporate limits of the city.

14 WHEREAS, six thousand Americans die by fire annually
15 and three hundred thousand are severely injured by fire annually,
16 of which fifty thousand are unable to return to a normal way of
17 life; and

18 WHEREAS, the citizens of Fort Wayne, Indiana
19 contributed 15 deaths as a part of these statistics in 1986, of
20 whom 77% were in homes with no smoke detector or it was
21 inoperable, and 65% of these victims were asleep at the time the
22 fire broke out; and

23 WHEREAS, the National Commission on Fire Prevention
24 and Control have concluded that the larger percentage of these
25 deaths and injuries could have been avoided; and

26 WHEREAS, fire chiefs, firefighters and fire experts,
27 nationwide, endorse this conclusion; and

28 WHEREAS, the Common Council of the City of Fort Wayne,
29 Indiana is committed to preserving the welfare of all its
30 citizens, as tenants and homeowners; and
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3 WHEREAS, the Common Council of the City of Fort Wayne,
4 Indiana recognizes that the protection of the public's health,
5 safety and welfare from fires may be improved by the installation
6 and maintenance of smoke detectors.

7 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
8 THE CITY OF FORT WAYNE, INDIANA THAT CHAPTER 14.7 OF THE MUNICIPAL
9 CODE OF THE CITY OF FORT WAYNE, INDIANA ENTITLED "HOUSING AND
10 BUILDING STANDARDS" IS AMENDED BY ADDING THE FOLLOWING ARTICLE:

11 SMOKE DETECTORS

12 SECTION 1. DEFINITIONS: For purposes of this
13 chapter, the following definitions shall apply.

14 a. "Alarm Signal." An audible signal indicating the detection of
15 visible or invisible, particles or products of combustion other
16 than heat.

17 b. "Authority having jurisdiction." The Fort Wayne Fire
18 Department and the Safe Housing and Building Standards Department
of the City of Fort Wayne which have enforcement responsibility
for this article.

19 c. "Family Living Unit." That structure, area, room, or
20 combination of rooms in which a family (or individual) lives.
This is meant to cover living area only and not common usage areas
21 in multi-family buildings such as corridors, lobbies, basements,
etc.

22 d. "Labeled." Equipment or materials to which has been attached a
23 label, symbol or other identifying mark of an organization
acceptable to the "authority having jurisdiction".

24 e. "Listed" Equipment or materials included in a list published
25 by an organization acceptable to the "authority having
jurisdiction" and which product meets appropriate standards or has
26 been tested and found suitable for use in a specified manner.

27 f. "NFPA74." Standard 74 of the National Fire Protection
28 Association, which is located in Batterymarch Park, Quincy, MD
02269.

29 g. "Sleeping areas." The area or areas of the family living unit
30 in which the bedrooms (or sleeping rooms) separated by other use
areas, such as kitchens or living rooms, (but not bathrooms),
shall be considered sleeping areas.

31 h. "Shall." Indicates a mandatory requirement.
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2 i. "Smoke Detector" shall be defined as a device which detects
3 visible or invisible particles or products of combustion other
4 than heat, as approved by Underwriters Laboratories, Inc. or
5 Factory Mutual. The smoke detector shall be equipped with a test
6 button, and it shall produce an alarm signal upon detection of any
7 visible or invisible particles or products of combustion. It may
8 be either battery powered with a minimum 9 volt or it may be
9 powered by a 110 volt alternating current.

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SECTION 2. BASIC REQUIREMENTS.

All family living units within the corporate limits of the
City of Fort Wayne, Indiana shall be equipped with a minumum of
one functional, properly located, labeled and listed, smoke
detector, or its equivalent or better, as described in the
NFPA74.

SECTION 3. INSTALLATION; LOCATION.

a. A minimum of one smoke detector, or its equivalent or better
as described in the NFPA74, shall be installed in each family
living unit within the corporate limits of the City of Fort Wayne,
Indiana.

b. All smoke detectors must be installed according to the
manufacturer's instructions and subject to the approval of the
"authority having jurisdiction".

c. The smoke detector shall be installed to protect the sleeping
areas and shall be located outside of the bedrooms but in the
immediate vacinity of the sleeping areas, within 15 feet of all
rooms used for sleeping areas.

d. The smoke detector shall be installed on or near the ceiling,
not less than six (6) inches from any wall, or on a wall, not less
than six (6) inches nor more than twelve (12) inches from the
ceiling, and its installation shall be subject to approval by the
"authority having jurisdiction". No detector shall be recessed
into the ceiling.

e. All smoke detectors shall be accessible for servicing and
testing.

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2 f. If a smoke detector is A.C. powered, it must be directly
3 attached to a junction box not controlled by any switch other than
4 the main power supply. The installation of A.C. powered detectors
5 shall conform to all electrical standards adopted by the Allen
6 County Building Department. A smoke detector required under this
7 chapter shall be installed according to the directions and
8 specifications of the manufacturer, but if in conflict with any
9 county electrical standard, the county electrical standard shall
10 take precedence.

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SECTION 4. MAINTENANCE.

It shall be unlawful for any person to tamper with or remove
any smoke detector, except when it is necessary for maintenance
or inspection purposes. Any smoke detector removed for repair
or replacement shall be re-installed or replaced so that it is
operable and in place during normal sleeping hours.

a. Rented residential dwelling units. Each smoke detector may be tested in accordance with
manufacturer's recommendations, but shall be tested at six (6)
month intervals in every individual residential dwelling unit, and
maintained as necessary, to ensure it is in operable condition.
At any change of tenancy, smoke detectors shall be tested and be
in operable condition before the unit is re-occupied.

b. Owner-occupied dwelling units. Each smoke detector may be tested in accordance with
manufacturer's recommendations, but shall be tested at six (6)
month intervals, and maintained as necessary, to ensure it is in
operable condition.

SECTION 5. DUTY OF PROPERTY OWNER, MANAGER, OR RENTAL
AGENT.

Every owner, or the manager or rental agent of such owner of
any such residential dwelling unit shall be responsible for the
installation ~~(and maintenance of)~~ all smoke detectors. *It is the*
resp

SECTION 6. ENFORCEMENT OF PROVISIONS.

The City Fire Department and the Safe Housing and Building
Department shall be charged with the duty of enforcing the
terms of this article of this chapter.

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3 SECTION 7. VIOLATION/PENALTY.

4 a. Any person, firm or corporation violating any provisions of
5 this article of this chapter, or who shall fail to comply with an
6 order as affirmed or modified by the authority having
7 jurisdiction shall be subject to a fine of \$50.00.

8 b. Each day such violation is permitted to continue may be deemed
9 to constitute a separate offense.

10 c. The violation and penalty as herein described in this article
11 shall not be subject to any other fine or penalty within this
12 chapter.

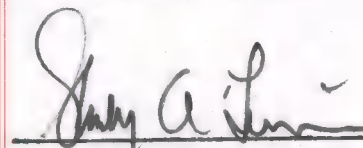
13 SECTION 8. Severability.

14 The provisions of this article of this chapter are severable,
15 and if any sentence, section, or other part of this article
16 shall be found to be invalid, such invalidity shall not affect
17 the remaining provisions and the remaining provisions shall
18 continue to be in full force and effect.

19 SECTION 9. That this ordinance shall be in full force
20 and effect January 1, 1987 and from and after its passage and
21 legal publication, any and all necessary approval by the mayor.

22 
23 COUNCILMEMBER

24 APPROVED AS TO
25 FORM AND LEGALITY

26 
27 _____
28 Stanley Levine, Attorney for Common Council

BILL NO.

S-86-11-14

REPORT OF THE COMMITTEE ON

REGULATIONS

WE, YOUR COMMITTEE ON

REGULATIONS

TO WHOM WAS

REFERRED AN (ORDINANCE)

(~~RESOLUTION~~)

of the Common Council

of the City of Fort Wayne, Indiana amending Chapter 14.7 entitled

"Housing and Building Stanadards, by adding an article entitled

"Smoke Detectors", which requires the installation of smoke

detectors in all family living units within the corporate

limits of the city

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(~~RESOLUTION~~)

YES

NO

BEN A. EISBART
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

DONALD J. SCHMIDT

THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN

12-9-86

SANDRA E. KENNEDY
CITY CLERK



The City of Fort Wayne

December 16, 1986

Ms. Marilyn Romine
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Romine:

Please give the attached full coverage on the dates of
December 20 & 27, 1986, in both the News Sentinel and
Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Special Ordinance No. S-205-86
Bill No. S-86-11-14 (as amended)
Smoke Detectors

Please send us 4 copies of the Publisher's Affidavit from
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 9th day of
December, 1986, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. S-86-11-14 (as amended) -- Special
Ordinance No. S-205-86 to-wit:

BILL NO. S-86-11-14 (as amended)

SPECIAL ORDINANCE NO. S-205-86

AN ORDINANCE of the Common Council
of the City of Fort Wayne, Indiana
amending Chapter 14.7, entitled
"Housing and Building Standards,
by adding an article entitled
"Smoke Detectors", which requires
the installation of smoke detectors
in all family living units within
the corporate limits of the city.

WHEREAS, six thousand Americans die by fire annually
and three hundred thousand are severely injured by fire annually,
of which fifty thousand are unable to return to a normal way of
life; and

WHEREAS, the citizens of Fort Wayne, Indiana
contributed 15 deaths as a part of these statistics in 1986, of
whom 77% were in homes with no smoke detector or it was
inoperable, and 65% of these victims were asleep at the time the
fire broke out; and

WHEREAS, the National Commission on Fire Prevention
and Control have concluded that the larger percentage of these
deaths and injuries could have been avoided; and

WHEREAS, fire chiefs, firefighters and fire experts,
nationwide, endorse this conclusion; and

WHEREAS, the Common Council of the City of Fort Wayne,
Indiana is committed to preserving the welfare of all its
citizens, as tenants and homeowners; and

the remaining provisions and the remaining provisions shall
continue to be in full force and effect.

SECTION 9. That this ordinance shall be in full force
and effect January 1, 1987 and from and after its passage and
legal publication, any and all necessary approval by the mayor.

Ben A. Eisbart

COUNCILMEMBER

Read the third time in full and on motion by Eisbart,
seconded by Stier, and duly adopted, placed on its passage. PASSED
by the following vote:

AYES: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Henry,
Redd, Schmidt, Stier, Talarico
NAYS: None
ABSTAINED: None
ABSENT: One
GiaQuinta

DATE: 12-9-86

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of
Fort Wayne, Indiana, as Special Ordinance No. S-205-86 on the 9th
day of December, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,
Indiana, on the 9th day of December, 1986, at the hour of 1:00
o'clock P.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 11th day of December, 1986, at
the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify
that the above and foregoing is a full, true and complete copy of
Special _____ Ordinance No. S-205-86,
passed by the Common Council on the 9th day of
December, 1986, and that said Ordinance was
duly signed and approved by the Mayor on the 11th day of
December, 1986, and now remains on file and
on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne,
Indiana, this 11th day of December, 1986.

SEAL

SANDRA E. KENNEDY, CITY CLERK

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

1

230

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232

LEGAL NOTICE

Notice is hereby given that on the 9th day of December, 1986, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. S-86-11-14 (as amended) - Special Ordinance No. S-205-86 to-wit:

BILL NO. S-86-11-14 (as amended)

SPECIAL ORDINANCE NO. S-205-86

AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana amending Chapter 14.7, entitled "Housing and Building Standards, by adding an article entitled "Smoke Detectors", which requires the installation of smoke detectors in all family living units within the corporate limits of the city.

WHEREAS, six thousand Americans die by fire annually and three hundred thousand are severely injured by fire annually, of which fifty thousand are unable to return to a normal way of life; and

WHEREAS, the citizens of Fort Wayne, Indiana contributed 15 deaths as a part of these statistics in 1986, of whom 77% were in homes with no smoke detector or it was inoperable, and 65% of these victims were asleep at the time the fire broke out; and

WHEREAS, the National Commission on Fire Prevention and Control have concluded that the larger percentage of these deaths and injuries could have been avoided; and

WHEREAS, fire chiefs, firefighters and fire experts, nationwide, endorse this conclusion; and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana is committed to preserving the welfare of all its citizens, as tenants and homeowners, and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana recognizes that the protection of the public's health, safety and welfare from fires may be improved by the installation and maintenance of smoke detectors.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT CHAPTER 14.7 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA, ENTITLED "HOUSING AND BUILDING STANDARDS" IS AMENDED BY ADDING THE FOLLOWING ARTICLE:

SMOKE DETECTORS

SECTION 1. DEFINITIONS: For purposes of this chapter, the following definitions shall apply.

a. "Alarm Signal." An audible signal indicating the detection of visible or invisible, particles or products of combustion other than heat.

b. "Authority having jurisdiction." The Fort Wayne Fire Department and the Safe Housing and Building Standards Department of the City of Fort Wayne which have enforcement responsibility for this article.

c. "Family Living Unit." That structure, area, room, or combination of rooms in which a family (or individual) lives. This is meant to cover living area only and not common usage areas in multi-family buildings such as corridors, lobbies, basements, etc.

d. "Labeled." Equipment or materials to which has been attached a label, symbol or other identifying mark of an organization acceptable to the "authority having jurisdiction."

e. "Listed." Equipment or materials included in a list published by an organization acceptable to the "authority having jurisdiction" and which product meets appropriate standards or has been tested and found suitable for use in a specified manner.

f. "NFPA74." Standard 74 of the National Fire Protection Association, which is located in Battery-march Park, Quincy, MD 02269.

g. "Rental Agent." Any person, partnership or corporation, who rents, subleases, lets or otherwise grants for a consideration the right to occupy premises not owned by the occupant. This term shall not be construed to mean a real estate agent who is employed for the sole purpose of selling residential units.

h. "Sleeping areas." The area or areas of the family living unit in which the bedrooms (or sleeping rooms) separated by other use areas, such as kitchens or living rooms, (but not bathrooms), shall be considered sleeping areas.

i. "Shall." Indicates a mandatory requirement.

j. "Smoke Detector." shall be defined as a device which detects visible or invisible particles or products of combustion other than heat, as approved by Underwriters Laboratories, Inc. or Factory Mutual. The smoke detector shall be equipped with a test button, and it shall produce an alarm signal upon detection of any visible or invisible particles or products of combustion. It may be either battery powered with a minimum 9 volt or it may be powered by a 110 volt alternating current.

SECTION 2. BASIC REQUIREMENTS.

All family living units within the corporate limits of the City of Fort Wayne, Indiana shall be equipped with a minimum of one functional, properly located, labeled and listed, smoke detector, or its equivalent or better, as described in the NFPA74.

SECTION 3. INSTALLATION; LOCATION.

a. A minimum of one smoke detector, or its equivalent or better as described in the NFPA74, shall be installed in each family living unit within the corporate limits of the City of Fort Wayne, Indiana.

b. All smoke detectors must be installed according to the manufacturer's instructions and subject to the approval of the "authority having jurisdiction".

c. The smoke detector shall be installed to protect the sleeping areas and shall be located outside of the bedrooms but in the immediate vicinity of the sleeping areas, within 15 feet of all rooms used for sleeping areas.

d. The smoke detector shall be installed on or near the ceiling, not less than six (6) inches from any wall, or on a wall, not less than six (6) inches from any wall, or on a wall, not less than six (6) inches nor more than twelve (12) inches from the ceiling, and its installation shall be subject to approval by the "authority having jurisdiction". No detector shall be recessed into the ceiling.

e. All smoke detectors shall be accessible for servicing and testing.

f. If a smoke detector is A.C. powered, it must be directly attached to a junction box not controlled by any switch other than the main power supply. The installation of A.C. powered detectors shall conform to all electrical standards adopted by the Allen County Building Department. A smoke detector required

under this chapter shall be installed according to the directions and specifications of the manufacturer, but if in conflict with any county electrical standard, the county electrical standard shall take precedence.

SECTION 4. MAINTENANCE.

It shall be unlawful for any person to tamper with or remove any smoke detector, except when it is necessary for maintenance or inspection purposes. Any smoke detector removed for repair or replacement shall be re-installed or replaced so that it is operable and in place during normal sleeping hours.

a. Rented residential dwelling units. Each smoke detector may be tested in accordance with manufacturer's recommendations, but shall be tested at six (6) month intervals in every individual residential dwelling unit, and maintained as necessary, to ensure it is in operable condition. At any change of tenancy, smoke detectors shall be tested and be in operable condition before the unit is re-occupied.

b. Owner-occupied dwelling units. Each smoke detector may be tested in accordance with manufacturer's recommendations, but shall be tested at six (6) month intervals, and maintained as necessary, to ensure it is in operable condition.

SECTION 5. DUTY OF PROPERTY OWNER, MANAGER, OR RENTAL AGENT.

Every owner, or the manager or rental agent of such owner of any such residential dwelling unit shall be responsible for the installation of all smoke detectors. It is the responsibility of the tenant to maintain all such smoke detectors provided by the owner in good working order until said tenant vacates the premises unless said smoke detector requires AC power supply, then the responsibility for maintaining such smoke detector shall be the responsibility for maintaining such smoke detector shall be the responsibility of the owner, manager or rental agent of the property.

SECTION 6. ENFORCEMENT OF PROVISIONS. The City Fire Department and the Safe Housing and Building Department shall be charged with the duty of enforcing the terms of this article of this chapter.

SECTION 7. VIOLATION/PENALTY

a. Any person, firm or corporation violating any provisions of this article of this chapter, or who shall fail to comply with an order as affirmed or modified by the authority having jurisdiction shall be subject to a fine of \$50.00.

b. Each day such violation is permitted to continue may be deemed to constitute a separate offense.

c. The violation and penalty as herein described in this article shall not be subject to any other fine or penalty within this chapter.

SECTION 8. Severability.

The provisions of this article of this chapter are severable, and if any sentence, section, or other part of this article shall be found to be invalid, such invalidity shall not affect the remaining provisions and the remaining provisions shall continue to be in full force and effect.

SECTION 9. That this ordinance shall be in full force and effect January 1, 1987 and from and after its passage and legal publication, any and all necessary approval by the mayor.

Ben A. Eisbart
COUNCILMEMBER

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight - Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: One - GiaQuinta

DATE: 12-9-86

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-205-86 on the 9th day of December, 1986.

ATTEST:

Sandra E. Kennedy, City Clerk

Samuel J. Talarico, Presiding Officer

Presented to me by the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy

City Clerk

Approved and signed by me this 11th day of December, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.

Mayor

I, the Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Special Ordinance No. S-205-86, passed by the Common Council on the 9th day of December, 1986, and that said Ordinance was duly signed and approved by the Mayor on the 11th day of December, 1986, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 11th day of December, 1986.

SANDRA E. KENNEDY, CITY CLERK

12-20-27

12/20 - 12/21/86

equivalent lines at .450¢ \$104.40

bove amount) \$105.40

2 extra 1.00

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due, after allowing all just credits, and that no part of the same

Drusilla Roose

Title CLERK

PUBLISHER'S AFFIDAVIT

notary public in and for said county and state, the

e who, being duly sworn, says

K of the

newspaper of general circulation printed and published

FORT WAYNE, INDIANA

hat the printed matter attached hereto is a true copy, two times

the dates of publication being

27th day of December 1986

Subscribed and sworn to me before this

Shelley R. LaRue Notary Public

March 3, 1990

My commission expires

Fort Wayne Common Council
(Governmental Unit)
Allen
County, IN

To JOURNAL-GAZETTE
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines	
Head	number of lines	1
Body	number of lines	230
Tail	number of lines	1
Total number of lines in notice		232

COMPUTATION OF CHARGES

232 lines, 1 columns wide equals 232 equivalent lines at .450¢	\$ 104.40
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra	1.00
TOTAL AMOUNT OF CLAIM	\$ 105.40

DATA FOR COMPUTING COST

Width of single column 12.5 picas Size of type 6 point

LEGAL NOTICE

Notice is hereby given that on the 9th day of December, 1986, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. S-86-11-14 (as amended) - Special Ordinance No. S-205-86 to-wit:

BILL NO. S-86-11-14 (as amended)

SPECIAL ORDINANCE NO. S-205-86 AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana amending Chapter 14.7, entitled "Housing and Building Standards, by adding an article entitled "Smoke Detectors", which requires the installation of smoke detectors in all family living units within the corporate limits of the city.

WHEREAS, six thousand Americans die by fire annually and three hundred thousand are severely injured by fire annually, of which fifty thousand are unable to return to a normal way of life; and

WHEREAS, the citizens of Fort Wayne, Indiana contributed 15 deaths as a part of these statistics in 1986, of whom 77 % were in homes with no smoke detector or it was inoperable, and 65% of these victims were asleep at the time the fire broke out; and

WHEREAS, the National Commission on Fire Prevention and Control have concluded that the larger percentage of these deaths and injuries could have been avoided; and

WHEREAS, fire chiefs, firefighters and fire experts, nationwide, endorse this conclusion; and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana is committed to preserving the welfare of all its citizens, as tenants and homeowners, and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana recognizes that the protection of the public's health, safety and welfare from fires may be improved by the installation and maintenance of smoke detectors.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT CHAPTER 14.7 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA ENTITLED "HOUSING AND BUILDING STANDARDS" IS AMENDED BY ADDING THE FOLLOWING ARTICLE:

SMOKE DETECTORS

SECTION 1. DEFINITIONS: For purposes of this chapter, the following definitions shall apply.

a. "Alarm Signal." An audible signal indicating the detection of visible or invisible, particles or products of combustion other than heat.

b. "Authority having jurisdiction." The Fort Wayne Fire Department and the Safe Housing and Building Standards Department of the City of Fort Wayne which have enforcement responsibility for this article.

c. "Family Living Unit." That structure, area, room, or combination of rooms in which a family (or individual) lives. This is meant to cover living area only and not common usage areas in multi-family buildings such as corridors, lobbies, basements, etc.

d. "Labeled." Equipment or materials to which has been attached a label, symbol or other identifying mark of an organization acceptable to the "authority having jurisdiction".

e. "Listed." Equipment or materials included in a list published by an organization acceptable to the "authority having jurisdiction" and which product meets appropriate standards or has been tested and found suitable for use in a specified manner.

f. "NFPA74." Standard 74 of the National Fire Protection Association, which is located in Battery-march Park, Quincy, MD 02269.

g. "Rental Agent." Any person, partnership or corporation, who rents, subleases, lets or otherwise grants for a consideration the right to occupy premises not owned by the occupant. This term shall not be construed to mean a real estate agent who is employed for the sole purpose of selling residential units.

h. "Sleeping areas." The area or areas of the family living unit in which the bedrooms (or sleeping rooms) separated by other use areas, such as kitchens or

living rooms, (but not bathrooms), shall be considered sleeping areas.

i. "Shall." Indicates a mandatory requirement.

j. "Smoke Detector." shall be defined as a device which detects visible or invisible particles or products of combustion other than heat, as approved by the Underwriters Laboratories, Inc. or Factory Mutual. The smoke detector shall be equipped with a test button, and it shall produce an alarm signal upon detection of any visible or invisible particles or products of a combustion. It may be either battery powered with a minimum 9 volt or it may be powered by a 110 volt alternating current.

SECTION 2. BASIC REQUIREMENTS.

All family living units within the corporate limits of the City of Fort Wayne, Indiana shall be equipped with a minimum of one functional, properly located, labeled and listed, smoke detector, or its equivalent or better, as described in the NFPA74.

SECTION 3. INSTALLATION; LOCATION.

a. A minimum of one smoke detector, or its equivalent or better as described in the NFPA74, shall be installed in each family living unit within the corporate limits of the City of Fort Wayne, Indiana.

b. All smoke detectors must be installed according to the manufacturer's instructions and subject to the approval of the "authority having jurisdiction".

c. The smoke detector shall be installed outside of the sleeping areas and shall be located in the vicinity of the bedrooms but in the immediate vicinity of the sleeping areas, within 15 feet of all rooms used for sleeping areas.

d. The smoke detector shall be installed on or near the ceiling, not less than six (6) inches from any wall, or on a wall, not less than six (6) inches from any wall, or on a wall, not less than six (6) inches more than twelve (12) inches from the ceiling, and its installation shall be subject to approval by the "authority having jurisdiction". No detector shall be recessed into the ceiling.

e. All smoke detectors shall be accessible for servicing and testing.

f. If a smoke detector is A.C. powered, it must be directly attached to a junction box not controlled by any switch other than the main power supply. The installation of A.C. powered detectors shall conform to all electrical standards adopted by the Allen County Building Department. A smoke detector required under this chapter shall be installed according to the directions and specifications of the manufacturer, but if in conflict with any county electrical standard, the county electrical standard shall take precedence.

SECTION 4. MAINTENANCE.

It shall be unlawful for any person to tamper with or remove any smoke detector, except when it is necessary for maintenance or inspection purposes. Any smoke detector removed for repair or replacement shall be re-installed or replaced so that it is operable and in place during normal sleeping hours.

a. Rented residential dwelling units. Each smoke detector may be tested in accordance with manufacturer's recommendations, but shall be tested at six (6) month intervals in every individual residential dwelling unit, and maintained as necessary, to ensure it is in operable condition. At any change of tenancy, smoke detectors shall be tested and be in operable condition before the unit is re-occupied.

b. Owner-occupied dwelling units. Each smoke detector may be tested in accordance with manufacturer's recommendations, but shall be tested at six (6) month intervals, and maintained as necessary, to ensure it is in operable condition.

SECTION 5. DUTY OF PROPERTY OWNER, MANAGER, OR RENTAL AGENT.

Every owner, or the manager or rental agent of such owner of any such residential dwelling unit shall be responsible for the installation of all smoke detectors. It is the responsibility of the tenant to maintain all such smoke detectors provided by the owner in good working order until said tenant vacates the premises, unless said smoke detector requires AC power supply, then the responsibility for maintaining such smoke

detector shall be the responsibility for maintaining such smoke detector shall be the responsibility of the owner, manager or rental agent of the property.

SECTION 6. ENFORCEMENT OF PROVISIONS.

The City Fire Department and the Safe Housing and Building Department shall be charged with the duty of enforcing the terms of this article of this chapter.

SECTION 7. VIOLATION/PENALTY

a. Any person, firm or corporation violating any provisions of this article of this chapter, or who shall fail to comply with an order as affirmed or modified by the authority having jurisdiction shall be subject to a fine of \$50.00.

b. Each day such violation is permitted to continue may be deemed to constitute a separate offense.

c. The violation and penalty as herein described in this article shall not be subject to any other fine or penalty within this chapter.

SECTION B. Severability.

The provisions of this article of this chapter are severable, and if any sentence, section, or other part of this article shall be found to be invalid, such invalidity shall not affect the remaining provisions and the remaining provisions shall continue to be in full force and effect.

SECTION 9. That this ordinance shall be in full force and effect January 1, 1987 and from and after its passage and legal publication, any and all necessary approval by the mayor.

Ben A. Eisbart

COUNCILMEMBER

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight - Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: One - GiaQuinta

DATE: 12-9-86

Sandra E. Kennedy

City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-205-86 on the 9th day of December, 1986.

ATTEST:

Sandra E. Kennedy, City Clerk

Samuel J. Talarico, Presiding Officer

Presented to me by the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy

City Clerk

Approved and signed by me this 11th day of December, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.

Mayor

I, the Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Special Ordinance No. S-205-86, passed by the Common Council on the 9th day of December, 1986, and that said Ordinance was duly signed and approved by the Mayor on the 11th day of December, 1986, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 11th day of December, 1986.

SANDRA E. KENNEDY, CITY CLERK

12-20-87

Notary Public

March 3, 1990

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines 1
Body number of lines 230
Tail number of lines 1
Total number of lines in notice 232

COMPUTATION OF CHARGES

232 lines, 1 columns wide equals 232 equivalent lines at .450¢ \$ 104.40
Additional charge for notices containing rule or tabular work (50 per cent of above amount)
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00
TOTAL AMOUNT OF CLAIM \$ 105.40

DATA FOR COMPUTING COST

Width of single column 12.5 picas Size of type 6 point
Number of insertions 2 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date Dec. 27, 19 86

Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

five seconds remaining in overtime. Personally appeared before me, a notary public in and for said county and state, the Manchester center Sam Howard scored 23 points and Fisher added 12. Kevin Shank scored 26 points for Carroll, 2-4. Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 12/20 - 12/27/86

Hicksville 48.

SECTION 5. DUTY OF PROPERTY OWNER. Every owner, or the manager or rental agent of such MANAGER, OR RENTAL AGENT. necessary, to ensure it is in operable condition. SECTION 6. ENFORCEMENT OF PROVISIONS. The City Fire Department and the State Housing and Building Department shall be charged with the duty of enforcing the terms of this article of the chapter. a. Any person, firm or corporation violating any provisions of this article of this chapter, or who shall fail to comply with an order as affirmed or modified by the authority having jurisdiction shall be subject to a fine of \$50.00. b. Each day such violation is permitted to continue may be deemed a separate offense.

Subscribed and sworn to me before this 27th day of December 19 86

Shelley R. LaRue Notary Public

March 3, 1990

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To JOURNAL-GAZETTE Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

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Body number of lines

230

Tail number of lines

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Total number of lines in notice

232

COMPUTATION OF CHARGES

232 lines, 1 columns wide equals 232 equivalent lines at .450¢ \$ 104.40
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00

TOTAL AMOUNT OF CLAIM

\$ 105.40

DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Rose

Date Dec. 27 19 86

Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Rose who, being duly sworn, saysthat he/she is CLERK of theJOURNAL-GAZETTEa DAILY newspaper of general circulation printed and publishedin the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy,

which was duly published in said paper for two times the dates of publication being as follows:12/20 - 12/27/86Subscribed and sworn to me before this 27th day of December 19 86*Shelley R. LaRue*
Shelley R. LaRue Notary PublicMy commission expires March 3, 1990

certify that the above and foregoing is a complete copy of Special Ordinance No. S-205-86, passed by the Common Council on the 9th day of December, 1986, and that said Ordinance was duly signed and approved by the Mayor on the 11th day of December, 1986, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 11th day of December, 1986.

SANDRA E. KENNEDY, CITY CLERK

12-20--27

mean figure it out. Now, the way it ends didn't come until I almost got it done; I was really puzzled by the thing."

Hart had reason to be distracted. He was also busy writing a non-fiction book,